

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

CHARLES MELVIN,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE NO.
v.	)	_____
	)	3:24-cv-491
CENTRAL PIEDMONT	)	
COMMUNITY COLLEGE,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1446, Defendant Central Piedmont Community College files this Notice of Removal in the United States District Court for the Western District of North Carolina, Charlotte Division, and invokes this Court's Jurisdiction over this matter on the following grounds:

1.

This action was commenced on April 4, 2024, by the filing of the original Summons and Complaint in Mecklenburg County Superior Court, styled: CHARLES MELVIN, Plaintiff, v. CENTRAL PIEDMONT COMMUNITY COLLEGE, Defendant, Civil Action File No. 24CV015606-590.

2.

This Court has jurisdiction in this matter on the basis of federal question jurisdiction pursuant to 28 U.S.C. § 1331.

3.

In the Complaint, Plaintiff claims that Defendant violated the Due Process clause of the Fourteenth Amendment and deprived Plaintiff of rights afforded to him under 42 U.S.C. § 1983. Because Plaintiff's Complaint raises questions solely arising under both the federal constitution and federal statutory law – here, the Fourteenth Amendment and 42 U.S.C. § 1983 – federal question jurisdiction exists. *See* 28 U.S.C. § 1331. Defendants therefore remove the case to the United States District Court for the Western District of North Carolina, Charlotte Division.

4.

Pursuant to 28 U.S.C. § 1446, this removal is timely because it has been filed within thirty (30) days after receipt by Defendant, “through service or otherwise, of a copy of the initial pleading setting for the claim for relief upon which such action or proceeding is based.” Specifically, on April 22, 2024, Defendant was served with Plaintiff's Complaint.

5.

Venue properly rests in the Charlotte Division of the United States District Court for the Western District of North Carolina, as this case is being removed from Mecklenburg County Superior Court.

6.

True and correct copies of all process, pleadings and orders served in this action are attached hereto as Exhibit "A," as required by 28 U.S.C. §1446(a).

7.

By service of a copy of this Notice of Removal as evidenced by the Certificate of Service attached, Defendant hereby gives notice of such removal to Plaintiff.

8.

A true and correct copy of this Notice of Removal will be filed with the Clerk of Superior Court of Mecklenburg County, North Carolina as required by 28 U.S.C §1446(d).

**Wherefore**, Defendant prays that this Court take cognizance and jurisdiction over this claim from Mecklenburg County Superior Court, and that this action shall proceed as removed and under this Court's jurisdiction under 28 U.S.C. § 1331.

Respectfully submitted, this 21st day of May, 2024.

**HALL BOOTH SMITH, P.C.**



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RICHARD SHEINIS

NC State Bar No.: 39078

CHARLES "JAKE" TAYLOR

NC State Bar No.: 61135

*Attorneys for Defendant*

*Central Piedmont Community  
College*

11215 North Community House Rd.

Suite 750

Charlotte, NC 28277

Phone: (980) 859-0380

Fax: (678) 539-1601

Email: [rsheinis@hallboothsmith.com](mailto:rsheinis@hallboothsmith.com)

[jaketaylor@hallboothsmith.com](mailto:jaketaylor@hallboothsmith.com)

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v.	)	_____
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CENTRAL PIEDMONT	)	
COMMUNITY COLLEGE	)	
	)	
Defendant.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on May 21, 2024, I electronically filed **Notice of Removal** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record.

I further certify that this document has been prepared in accordance with the Local Rules of the United States District Court for the Western District of North Carolina.

This 21st day of May, 2024.

**HALL BOOTH SMITH, P.C.**



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RICHARD SHEINIS  
NC State Bar No.: 39078  
CHARLES "JAKE" TAYLOR  
NC State Bar No.: 61135

***Attorneys for Defendant  
Central Piedmont Community  
College***

11215 North Community House Rd.  
Suite 750  
Charlotte, NC 28277  
Phone: (980) 859-0380  
Fax: (678) 539-1601  
[rsheinis@hallboothsmith.com](mailto:rsheinis@hallboothsmith.com)  
[jaketaylor@hallboothsmith.com](mailto:jaketaylor@hallboothsmith.com)

## **EXHIBIT A**

### **Plaintiff's Complaint and Summons**